

## REMARKS

Favorable reconsideration in view of the following remarks is respectfully requested.

Claims 1-22 are pending. Currently, claims 14-19 and 22 are under review, claims 1-13, 20 and 21 having been withdrawn as a result of the June 25, 2008 election of species requirement. Claims 14 and 22 are independent.

Applicant appreciates the courtesies extended to Applicant's representative during the September 1, 2009 personal interview. The substance of the discussion is incorporated into the following remarks and constitutes Applicant's record of the interview.

The Office Action rejects claims 14-19 under 35 U.S.C. §102(e) over U.S. Patent No. 6,825,955 to Shibata in view of U.S. Patent No. 5,790,639 to Ranalli et al.; and rejects claim 22 under 35 U.S.C. §103(a) over Shibata in view of U.S. Patent Application Publication No. 2002/0059383 to Katsuda and further in view of Ranalli. These rejections are respectfully traversed.

Applicant's independent claim 14 is directed to a fax data transmission device. Claim 14 is explained with reference to a preferred embodiment. A first storing unit (in MFP 530) is operable to store fax data and an identifier for identifying the fax data in correspondence with each other. A second storing unit (in MFP 530) is operable to store information showing a correspondence between an original destination (MFP 230) of the fax data and a send information destination (telephone 410). The send information destination is a destination of send information which includes the identifier and a notification that the fax data identified by the identifier is going to be sent (telephone 410). A notifying unit (in MFP 530) is operable to send the send information to the send information destination (Telephone 410) corresponding to the

original destination of the fax data with reference to the information stored in the second storing unit. A receiving unit (in MFP 530) is operable to receive destination information for specifying a destination to which the fax data should actually be sent, as a reply to the send information. A sending unit is operable to send the fax data to the destination specified by the destination information. See Figures 18 and 33.

In the non-limiting example disclosed in Applicant's published specification beginning at paragraph [0145], the MFP 230 sends a send notification destination register mail to each sender device registered in the MFP 230, including the MFP 530. The user of the MFP 230 sends a send notification destination register mail to the MFP 530. A mobile telephone 410 is designated as the send notification mail destination. When fax data needs to be sent to MFP 230, the MFP 530 refers to the send notification destination storing unit 539. The send notification destination storing unit 539 stores the information which designates the mobile phone 410 as the send notification mail destination corresponding to the MFP 230. Accordingly, the MFP 530 sends a send notification mail to the mobile telephone 410. The mobile telephone 410 receives the send notification mail from the MFP 530. The mobile telephone 410 then sends information for specifying a destination to which the fax status should actually reset, as a reply mail to the send notification mail. The MFP 530 sends the fax data to destination specified in the reply mail. The claims are not limited by the above description.

The Office Action identifies the first e-mail service unit 16 of Shibata as corresponding to the claimed second storing unit. As disclosed in Shibata, at column 13, the paragraph beginning at line 54, after the first e-mail service unit 16 performs the transmission of e-mail with an attachment of image data, the first e-mail service unit 16 controls the third e-mail service unit 18 to send the e-mail transmission notice

to the local facsimile apparatus 6. As shown in Fig. 6 of Shibata, none of these notifications relate to a notification that fax data identified by an identifier is going to be sent.

The Office Action identifies the receiving status manager 11 as corresponding to the claimed receiving unit. However, as disclosed in Shibata, at the paragraph beginning at line 5 of column 8, an operator inputs through the console unit to designate the local facsimile apparatus 6 from among various local communications terminals registered in the local terminal number 31 of the local terminal information list 30 of the local terminal registration memory 12. The facsimile main controller 10 reads a corresponding e-mail address. As disclosed in Shibata, at the paragraph beginning at line 20 of column 6, the transmission/receiving status manager 11 maintains various kinds of status information related to the transmission and receiving operations for both facsimile and e-mail. When the third e-mail service unit 18 sends an e-mail transmission notice to the local facsimile apparatus 6, the transmission/receiving status manager holds the status information that the e-mail is sent.

It is unclear what the receiving status manager has to do with the Examiner's cited disclosure of Shibata at column 2, lines 50-55, nor does the receiving status manager seem to relate to specifying a fax destination. Further, logically, because in Shibata the e-mail with the image data is sent before the e-mail notification, it is difficult to see how Shibata can disclose a receiving unit operable to receive destination information for specifying a destination to which fax data should be sent as a reply to send information as in Applicant's claim 14.

Further, the Examiner alleges that column 2, lines 50-55 of Shibata discloses "electronic mail transmitter and receiver to receive an incoming electronic mail upon

receiving through the public telephone network an electronic mail transmission notice notifying transmission of the incoming electronic mail from a different facsimile terminal." This feature is described in Shibata detail at column 10, the paragraph beginning at line 14. Upon receiving an email transmission notice from the facsimile apparatus 1, the local facsimile apparatus 6 instructs the third email service unit to perform an operation for receiving an incoming email. Neither the email nor the email transmission notice include destination information for specifying a destination to which the fax data should actually be sent. Nor is the email sent in response to send information which includes an identifier and a notification that the fax data identified by the identifier is going to be sent.

The Examiner recognizes that Shibata does not explicitly disclose send information destination being a destination of send information which includes an identifier and a notification that the fax data identified by the identifier is going to be sent. Applicant respectfully disagrees with the Examiner's assertion that Ranalli overcomes this deficiency of Shibata. As disclosed in Ranalli, when a document is not successfully delivered an email is prepared and sent to the sender of the fax document. The email indicates the status of the fax document and reasons for non-delivery. Contrary to the Examiner's assertion, there is no notification that the fax data identified by the identifier is going to be sent. Also, send information in Applicant's claim 1 is sent to the send information destination. In Ranalli, the email that is sent when the fax is not successfully delivered is sent to the sender of the fax.

Applicant also respectfully disagrees that the ordinarily skilled artisan would have been motivated to combine the Shibata and Ranalli patents. Specifically, Shibata discloses transmitting an electronic mail message prior to the email notification. Ranalli discloses sending an email message when a document is not

successfully delivered. Thus, substitution of the email of Shibata with the email of Ranalli does not appear to make sense.

As discussed during the personal interview, Ranalli discloses that delivery assist system (DAS) 56 maintains database 59 which includes a list of destination fax numbers and a set of alternative delivery instructions for each. When a document is not successfully delivered, the network checks to determine if alternate delivery instructions are available. If the delivery instruction status is incomplete, an email is prepared and sent to the sender of the fax document. The email indicates the status of the fax document and reasons for non-delivery. The email includes options from which the sender of the fax may chose to provide further instructions for a redelivery attempt. As described at column 7, lines 16-25 if no alternative number is available the email is sent via a dedicated circuit 9 to customer PC7, the sender of the document.

Applicant's independent claim 14 recites a second storing unit operable to store information showing a correspondence between an original destination of the fax data and a send information destination. This feature, in combination with the other claimed features of claim 14 is not disclosed in Ranalli. Ranalli identifies no correspondence between the original destination of the fax data and the customer PC7. Instead, the email message is sent to the PC7 only if no alternative number is available. This will happen regardless of the intended destination of the fax data.

Independent claim 22 is distinguishable over Shibata for reasons similar to those discussed above with respect to independent claim 14.

Katsuda does not overcome the deficiencies of the Shibata reference.

The dependent claims are allowable for at least the reasons discussed above as well as for the individual features they recite. For example, dependent claim 19

recites a notification destination information receiving unit operable to receive the information showing the correspondence between the original destination of the fax data and the send information destination. As discussed above, send information includes an identifier notification that the fax that identified by the identifier is going to be sent. Shibata does not disclose notifications that relate to a notification that fax data identified by an identifier is going to be sent.

Prompt and favorable examination on the merits is respectfully requested. Should any questions arise in connection with this application, or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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